

Translation

PATENT COOPERATION TREATY

PCT/CH2003/000288



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 153305.2/VD/mb	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000288	International filing date (day/month/year) 05 May 2003 (05.05.2003)	Priority date (day/month/year) 06 May 2002 (06.05.2002)
International Patent Classification (IPC) or national classification and IPC G06F 9/50		
Applicant SWISSCOM MOBILE AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27 October 2003 (27.10.2003)	Date of completion of this report 17 December 2004 (17.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages _____ 1-16 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-15 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/2-2/2 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims		NO
Inventive step (IS)	Claims	1-15	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations

Cited documents

1. Reference is made to the following document:

D1: WO 01/29686 A (SONY ELECTRONICS INC)
26 April 2001 (2001-04-26).

2. A person skilled in the art is aware of document D1, since it relates to the same technical field as the present application, namely that of the management and allocation of resources.

Observations relating to inventive step

3. Document D1 is considered to be the closest prior art. In the original words of claim 1, said document discloses (references to the closest prior art are enclosed in square brackets; the original wording is *italicised*; technical features that are not explicitly disclosed in the prior art are ~~struck through~~; note: according to D1 (see the description, page 3, lines 9-10) a "cantaloupe" is a "resource characterization"):

/...

a method for the management of resources in portable resource modules (1) which are connected, in each case, to a communications terminal (2) and, in particular, are in the form of a chip card, said resources including electronic memory units (11) and said method comprising:

the transmission of a first resource management instruction ~~containing a module identifier~~ to a resource management centre [D1, description, page 9, lines 22-25; "device software" requests the instantiation of a "process", using the information from a "cantaloupe"];

the transmission of a second resource management instruction from the resource management centre (4) ~~via a communications network (3) to the resource module (1) determined by the module identifier~~ [D1, description, page 12, lines 8-15];

the provision or release of resources, by means of a resource control mechanism (111) in the predetermined resource module (1), in accordance with the received second resource management instruction [D1, description, page 12, lines 15-20];

~~the transmission of a resource management acknowledgement from the predetermined resource module (1) via the communications network (3) to the resource management centre (4); and~~

the storage of information about the provided or released resources in the resource management centre (4), ~~the information assigned to the module identifier being stored~~ [D1, description, page 17, lines 19-22; figure 8, step (824)].

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4. Claim 1 **differs** from the closest prior art according to D1 in that it additionally discloses the following technical features: *resource management via a communications network, wherein the resource modules are determined by the module identifier, and the transmission of a resource management acknowledgement from the predetermined resource module via the communications network to the resource management centre, the information assigned to the module identifier being stored.*
5. Thus, the **objective technical problem** in D1 is that of *organising the resource management of separate modules.*
6. **Solving** the objective technical problem on the basis of the aforementioned difference between D1 and the present claim 1, namely by means of *central resource management with explicit module identification*, is neither disclosed in, nor obvious from the closest prior art according to D1. The same applies in respect of claims 7 and 13.
7. Claims 1, 7 and 13 and the claims dependent thereupon can consequently be considered to involve an inventive step (PCT Article 33(3)).

Further remarks

8. The present application contains two independent device claims, namely claim 7 (system) and claim 13 (resource management centre).

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9. The applicant is advised that, in the event of proceedings under to the European Patent Convention (EPC), claims of the same category are only admissible if the subject matter of the multiple independent claims of the same category complies with EPC Rule 29(2)(a) and (c) (EPC Article 84 in conjunction with EPC Rule 29(2)). It seems to the examiner that, in the present instance, this is not the case, which may give rise to a rejection under EPC Article 97(1).